



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

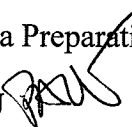
JOHN F. KRATTLI
County Counsel

November 26, 2012

TELEPHONE
(213) 974-1861
FACSIMILE
(213) 229-9924
TDD
(213) 633-0901

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Alejandro Alarcon v. County of Los Angeles
Los Angeles Superior Court Case No. BC 458 777

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Alejandro Alarcon v. County of Los Angeles, Los Angeles Superior Court Case No. BC 458 777, in the amount of \$175,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of excessive force by Sheriff's Deputies on an inmate.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Alejandro Alarcon v. County of Los Angeles</u>
CASE NUMBER	Case No. BC 458777
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed May 3, 2011 Claim filed June 25, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 175,000
ATTORNEY FOR PLAINTIFF	Darren A. Namibog Manibog & Manibog, LLP
COUNTY COUNSEL ATTORNEY	Edwin A. Lewis
NATURE OF CASE	<p>Plaintiff Alejandro Alarcon alleges that he was subject to excessive force while he was an inmate at the Inmate Reception Center.</p> <p>The Defendant Deputies contend that the force was used to overcome resistance by Mr. Alarcon.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the</p>

amount of \$175,000 is
recommended.

PAID ATTORNEY FEES, TO DATE	\$	21,468
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PAID COSTS, TO DATE	\$	1,712
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Case Name: Alejandro Alarcon v. County of Los Angeles



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Saturday, April 10, 2010; approximately 5:10 a.m.
Briefly provide a description of the incident/event:	<p><u>Alejandro Alarcon v. County of Los Angeles</u> Summary Corrective Action Plan No. 2012-022</p> <p>On Saturday, April 10, 2010, at approximately 5:10 a.m., the plaintiff was arrested by a member of the California Highway Patrol for a violation of California Vehicle Code section 23152(b), Driving Under Influence of Alcohol or Drugs. He was booked into the Los Angeles County Sheriff's Department's Inmate Reception Center. During the initial search of the plaintiff, he became involved in a physical altercation with two members of the Los Angeles County Sheriff's Department.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In his lawsuit, the plaintiff alleged his federal civil rights were violated when he was the subject of excessive force by representatives of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.

This incident was thoroughly reviewed by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. Their investigation revealed no employee misconduct. Consequently, no administrative action was taken and no corrective action measures are recommended nor contemplated.


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County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).


- ☐ Potentially has Countywide Implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 9/11/12

Name: (Department Head)	
Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 9/12/12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 9/27/12

\\Risk Mgt. Inspector General\CAP-SCAP-RECAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx